

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department - Revision Petition filed by Sri P. Munikesava Rao S/o Shanker Rao R/o Bhadrachalam, Khammam district G.P.A holder, M/s Golden Tobacco Limited, Company aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in C.M.A No:231 of 2007 dated:21-6-2008 - Rejected - Orders - Issued

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 36

Dated: 03-10-2018
Read the following:-

- 1) Revision Petition filed by Sri P. Munikesava Rao S/o Shanker Rao, R/o Bhadrachalam, Khammam district G.P.A holder, M/s Golden Tobacco Limited, Company Dt:05-10-2008.
- 2) Govt.Memo.No.9664/LTR.2/2008, dated 28.11.2008.
- 3) From the Additional Agent to Govt. Lr.RP.No.9664/LTR.2/2008 (CMA.No.231/2007), dt.13.05.2009.

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ORDER

In the reference 1st read above, Sri P. Munikesava Rao S/o Shanker Rao R/o Bhadrachalam, Khammam District General Power of Attorney holder, M/s Golden Tobacco Limited, Company has filed Revision Petition before the Government aggrieved by the orders of the Additional Agent to Government, Bhadrachalam, Khammam District in C.M.A.No.231/2007, Dt 21-06-2008 in respect of land in Acres 0.20 cents in Survey No:72/1 of Bhadrachalam(V&M), Khammam District to an extent.

2. In the reference 2nd read above, the Project Officer & Additional Agent to Government, Bhadrachalam was requested to furnish Para Wise Remarks and connected case records and in the reference 3rd read above the Additional Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case are as follows:

- (a) The orders of the primary authority and as well as the Appellate Authority suffers from want of jurisdiction, since they have no power and jurisdiction to initiate proceedings in the absence of specific material.
- (b) The administration of properties in the scheduled areas relating to immovable properties without transferring the said immovable property no-way comes under the meaning of the word 'transfer' under Section 3 of the A.P. (Scheduled Areas) Land Transfer Regulation and the said decision was fallen for consideration before the Honourable High Court and the Honourable High Court categorically held that the administration of nearly 500 acres of immovable property in the scheduled areas in favour of Singeri Mutt is no-way amounting to violation of Section (3) of the Regulation 1 of 1970.
- (c) The said legal position is squarely applicable to the present issue and accordingly, both the authorities have no power and authority to initiate Land Transfer Regulation proceedings. Both the Lower Courts failed to consider the written arguments and without there being any evidence findings were given. It is only on the presumption that, General Power of Attorney is also prohibited Act and thereby order of Ejectment was passed and the same is arbitrary and illegal.
- (d) When the immovable property was not at all transferred and doing business of selling sweets in the said premise, no-way effects or violates Section (3) of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/1970 that too when the unofficial respondents denied the said transfer of property and in the absence of any evidence, the question of making declaration that the immovable property is transferred as arbitrary and illegal and accordingly, the entire orders are bad under law.
- (e) The grounds raised in the written arguments and the appeal may be permitted to be read as part and parcel of this grounds.

(contd...2)

4 The remarks of the Additional Agent to Government, Bhadrachalam on the Revision Petition are as under:

- The originally a case was in Land Transfer Regulation Case No. 3/04 before the Agency Divisional Officer, Bhadrachalam by the Tahisldar, Bhadrachalam against the Golden Tobacco Limited, Bhadrachalam represented by its Manager P.Munikesava Rao, R/o Bhadrachalam and the Proprietor M/s Bhagavan Sweets, Bhadrachalam.
- One Sri P. Munikesava Rao Special General Power of Attorney holder submitted an explanation stating that he had not under gone sale or any kind of transaction in violation of Land Transfer Regulation. Previously they used their structures for Tobacco business, but for the last (10) years the business went on loss and modifying the structures and using it for other business. The Bhadrachalam Degree College put their introduction banner for publicity and Bhagavan Sweets board also was put their-to disclose the business.
- The Agency Divisional Officer, Bhadrachalam after due verification came to conclusion the entrustment of work through General Power of Attorney is also hit by Regulation 1/59 as amended by 1/70. As per the Regulation any other dealing with the immovable property even though power of Attorney will also come under violation of Regulation. As per the said power of Attorney it is clear that the Revision Petitioner herein is dealing the immovable property of other Non-Tribals which is violation under Law. Therefore the contention of Revision Petitioner will not attract the Sec (3) of the regulation is not correct. Both the Lower Courts clearly discussed the matter and passed orders.
- That another contention of Revision Petitioner is that the Bhagavan Sweets and Bhadrachalam Degree College put their boards for their business purpose. As per the evidence in the said premises. Bhagavan Sweets is doing business and Bhadrachalam Degree College is running. As stated above the General Power of Attorney is hit by regulation and it is clearly comes under the violation of regulation.
- In view of the above that, the orders passed by the Agency Divisional Officer, Bhadrachalam and the Additional Agent to Government herein are proper according to the provisions of APSA Land Transfer Regulation 1/59 as amended by 1/70.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government it is observed that;

- The Revision Petitioner Sri P.Munikesava Rao claims that he is General Power of Attorney holder to the property of M/s Golden Tobacco Company Limited, Guntur. The Company is not in possession of the land. The Revision Petitioner in General Power of Attorney holder. He has to maintain the property on behalf of the Company. But the company is not running its business. The Revision Petition has managed to get General Power of Attorney from M/s Golden Tobacco Company and constructed the Commercial Complex. In the complex one M/s Bhagavan Sweets is running its business and another organization by name Bhadrachalam Degree College which is in violation of Land Transfer Regulation.

6. Government after careful examination of the matter here by rejects the appeal of the Revision Petitioner viz Sri P. Munikesava Rao S/o Shanker Rao R/o Bhadrachalam, Khammam district General Power of Attorney holder, M/s Golden Tobacco Limited, Company and hereby upholds the orders of the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam Dt: 21.06.2008 in CMA. No.231/2007.

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7. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

- 1) Sri P. Munikesava Rao S/o Shanker Rao R/o Bhadrachalam,
Khammam District. General Power of Attorney holder, M/s Golden Tobacco Ltd.,
Company R/o Bhadrachalam, Bhadradri Kothagudem District.
- 2) The Secretary and Correspondent, Bhadradri Degree College,
Bhadrachalam, Khammam District now Bhadradri Kothagudem District.
- 3) The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Khammam District now Bhadradri Kothagudem District. (w.e.)

Copy to :

The Special Deputy Collector (TW), Bhadrachalam, Khammam District.
now Bhadradri Kothagudem District for information and necessary action.
The Tahsildar, Bhadrachalam, Khammam District for necessary action.
Sri P.V. Ramana & K. Sarath, Advocates,
Flat No. 1, Banjara Sangeet Apartments,
Kapadia Lane, Somajiguda, Hyderabad - 500 082.
P.S to M(TW)/P.S. to Secretary(TW)
SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER